

**REMARKS/ARGUMENTS**

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-6 are presently active.

In the outstanding Office Action, Claims 1-6 were rejected under judicially created doctrine obviousness-type double patenting over Claims 1-9 and copending Application No. 10/584,858.

In response to the double patenting rejection, Applicants point out that the present application is the earlier filed of the two pending applications. M.P.E.P. § 804(I) indicates that:

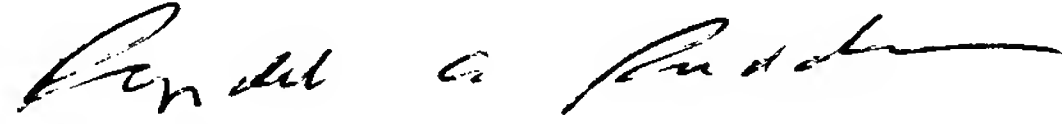
If a “provisional” non-statutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds, the Examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer.

In the present case, the later filed application U.S. Serial No. 10/584,858 has not yet been examined. Therefore, given that the double patenting rejection is the only rejection remaining in the present case, the Examiner should withdraw the obviousness-type double patenting rejection in the present case and allow the case to proceed to issuance.

Consequently, in light of the above discussions, the outstanding ground for rejection is believed to have been overcome. The application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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Gregory J. Maier  
Attorney of Record  
Registration No. 25,599

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/07)

Ronald A. Rudder, Ph.D.  
Registration No. 45,618